

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

TRESLEY T. HENDLEY,

Plaintiff

v.

STATE OF NEVADA, et al.,

Defendants

Case No.: 2:20-cv-01447-APG-EJY

**Order Accepting Report and
Recommendation**

[ECF No. 8]

On November 30, 2020, Magistrate Judge Youchah recommended that plaintiff Tresley Hendley's claims against Brittany Hurley in her official capacity be dismissed with prejudice and that his claims against Hurley in her individual capacity be dismissed without prejudice and with leave to amend. ECF No. 8. Judge Youchah also recommended that I dismiss Hendley's second claim, which is asserted against Clark County Detention Center, because it is not a legal entity for purposes of 42 U.S.C. § 1983. *Id.* Next, she recommended that I dismiss with prejudice Hendley's claim against deputy public defender Shana Brouwers because she is not a state actor for purposes of § 1983 and because an ineffective assistance of counsel claim must be brought through a habeas corpus petition, not through a § 1983 lawsuit. *Id.* Finally, she recommended that I dismiss with prejudice Hendley's claim against Clark County District Attorney Steve Wolfson and Assistant District Attorney Frank Lagrippa because they are entitled to immunity. *Id.* Although Hendley has filed multiple documents, none explains how Judge Youchah's recommendations are incorrect or how amendment would not be futile on the claims Judge Youchah recommends be dismissed with prejudice. *See* ECF Nos. 9-12.

I THEREFORE ORDER that Magistrate Judge Youchah's report and recommendation (ECF No. 8) is accepted and plaintiff Tresley Hendley's claims against defendant Brittany

1 Hurley in her official capacity, defendant Clark County Detention Center, Shana Brouwers,
2 Steve Wolfson, and Frank Lagrippa are DISMISSED with prejudice. Hendley's claims against
3 defendant Brittany Hurley in her individual capacity are dismissed without prejudice.

4 I FURTHER ORDER that plaintiff Tresley Hendley may file an amended complaint
5 curing the deficiencies identified in Judge Youchah's report and recommendation with respect to
6 defendant Brittany Hurley by February 12, 2021. Failure to do so will result in dismissal of
7 these claims without prejudice and closure of the file.

8 DATED this 8th day of January, 2021.

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11 ANDREW P. GORDON
12 UNITED STATES DISTRICT JUDGE
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